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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/226,606 01/07/99 SHIRAKAWA

E 035861/0110

QM02/0518

EXAMINER

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FUQUA, S

ART UNIT

PAPER NUMBER

3742

6

DATE MAILED:  
05/18/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/226,606**

Applicant(s)

**Shirakawa et al**

Examiner

**Shawntina Fuqua**

Group Art Unit  
**3742**



☒ Responsive to communication(s) filed on Mar 17, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) 5, 6, and 13-36 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4, 7, and 10 is/are rejected.

☒ Claim(s) 8, 9, 11, and 12 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>9</sup> of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Arena et al (US5635093).

Arena et al discloses a heat treatment apparatus, which comprises a heat treatment table (4) for a substrate to be treated, concentrically arranged heaters (8), temperature sensors (12) arranged in one line in a diameter direction which are used to arithmetically surmise the amount of heat supplied to each region of the heat treatment table, and a control means which controls the heaters based on the surmised temperature (column 3, lines 53-67; column 4, lines 1-21; Figures 1-2).

### *Allowable Subject Matter*

3. Claims 8-9, and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

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claim and any intervening claims. This case would be in condition for allowance if the allowable subject matter of dependent claims 8-9 and 11-12 were included in independent claims 1 and 3.

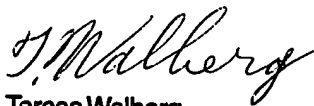
4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor suggests a heat treatment apparatus wherein the sensors disposed in the heat treatment table are disposed in a thickness direction.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina Fuqua whose telephone number is (703) 305-2581.

stf

May 12, 2000

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700